

CHS Copyright Policy

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1. Purpose

This Policy outlines responsibilities and procedures which will guide the use of third party copyright material, with the objectives of:

- reducing staff and CHS's exposure to the risks associated with the use of third party copyright material;
- assisting staff to make full legal use of the materials at their disposal by clearly identifying responsibilities; and
- promoting copyright compliance.

2. Statutory Education Licence

The Australian Government has appointed the Copyright Agency to manage the copyright licenses related to educational institutions under the Statutory Education Licence, which permits the educational bodies to copy and share text and images for educational purposes. The Copyright Agency has individual agreements with the private education providers to cover them against unintentional copyright infringes.

The following is an extract from the Copyright Agency website reproduced to shed greater light on copyright in educational institutions¹:

“Under the Statutory Education Licence, Australian educators can copy and communicate text, images and print music without a copyright clearance if:

It is for educational purposes

- *Copying or sharing must only be for educational purposes. If it is also for other purposes (e.g. if a copy is made available to the general public), then the licence does not apply. This includes copying and sharing content in connection with a course of instruction, and copying content for the library's collection.*
- *They work for an educational institution that is covered by the Statutory Education Licence dealt under Division 4 of Part IVA of the Copyright Act 1968*

The Statutory Education Licence allows the use of text and images from any source or format:

- *digital or hardcopy*
- *online or offline*
- *Australian or foreign content*
- *published or unpublished content”*

3. Scope

¹ Source: <https://www.copyright.com.au/licences-permission/educational-licences/>

This Policy applies to all CHS staff, students, contractors, associates and controlled entities. The policy specifies responsibilities and procedures regarding:

- the use of third party copyright material for teaching, learning, research, or administrative purposes; and
- any other use of third party copyright material not covered by the Music, Video and Software Piracy Policy.

It does not cover first party copyright material. First party copyright material is covered by the Intellectual Property Policy.

4. Definitions

| Item | Definition |
|---|---|
| <i>Copyright</i> | Defined as a legal concept that gives the creator of an original work exclusive rights to exploit the work for a limited time and prevent others from copying the work. |
| <i>Copyright Act</i> | The Copyright Act 1968 (Cth). |
| <i>Copyright works and third-party copyright material</i> | Works or other subject matter where the copyright is not owned by CHS |
| <i>Moral rights</i> | The three moral rights granted to the creators of copyright in Part IX of the Copyright Act 1968 (Cth). |

5. Policy Statement

What individuals can do with copyright protected materials depends upon who owns copyright, whether the use of the material is the subject of an agreement, the type of material used, how the material is used, how much material is used, and the purpose for which the material will be used.

CHS has a responsibility to provide information and guidelines to employees, students, controlled entities and individuals associated with CHS concerning copyright. These can be broken down into the following:

- Addressing their copyright rights and responsibilities;
- Develop, implement and support systems and processes that facilitate copyright compliance; ensure there are financial, structural and administrative procedures in place to meet its obligations under copyright legislation, and review and revise these as required;
- Monitor external developments in relation to copyright, especially copyright legislation, to revise and update policies, practices and documentation to adequately reflect changes, and to raise awareness of any developments as appropriate;
- Ensure CHS's corporate publications and information services, policies and facilities meet the requirements of the Copyright Act and are reviewed and revised periodically; and
- Respond appropriately to any alleged breaches of the Copyright Act brought to the attention of authorised officers of CHS or of which officers become aware.

Individuals have a responsibility to:

- Make an effort to become aware of their rights and obligations in relation to copyright, including moral rights obligations;
- Adhere to the requirements of the Copyright Act, apply CHS policies, practices and procedures when using copyright works;
- Consult with the Dean Academic or Course Coordinator when preparing unit materials supplied, or made accessible to enrolled students, to ensure compliance with the relevant copyright law requirements, licence conditions, and CHS processes;
- Do not enter into any agreement with third party outside of CHS unless authorised in writing by the Dean Academic or Course Coordinator, particularly in relation to third party copyright material; and
- Report any alleged breaches of copyright to the Dean Academic or the Course Coordinator.

6. Photocopying

The Australian Copyright Act contains provisions that allow educational institutions to use text, images and notated (print) music in ways that would otherwise require a copyright clearance. These provisions are sometimes referred to as the Part VB educational statutory licence.

Australian teachers can copy and communicate text, images and print music without a copyright clearance if:

- it is for educational purposes, and
- they work for an educational institution that is covered by the Part VB educational statutory licence.

Note: CHS is covered under the ECA Group licence.

6.1. Which content?

The statutory licence allows the use of text and images from any source or format:

- digital or hardcopy
- online or offline
- Australian or foreign content
- published or unpublished content

6.2. How much of a work?

A 'work' is an item of text or an image, usually created by a single 'author'. An 'edition' (such as a book, journal or newspaper), or a publishing platform such as a website or CD ROM, may contain many 'works'. For example, in a newspaper, each article, opinion piece, letter to the editor, cartoon and photograph is a separate 'work'.

In some cases, a teacher may use only a 'reasonable portion' of a work, not the entire work. For some content, a specified proportion is deemed to be a 'reasonable portion'. More than this specified proportion cannot be a 'reasonable portion', but there is no guidance in the legislation about how much. Similarly, there is no guidance on what constitutes a 'reasonable portion' of works such as artistic works. Table 1 is a guide in terms of how much of a third party copyright material may be reproduced.

There is a general understanding that a student in a course should receive no more than a 'reasonable portion' for that course. For example, a history teacher who copies 10% of a commercially available book for a class should not copy another 10% of the book for the same class.

6.3. Which uses?

Uses allowed by the statutory licence include:

- hardcopy content: photocopying, scanning
- digital content: saving to disk, printing, making available online, emailing (read `), which must be published with each copy under this scheme)

Table 1: Guidance on the use of copyright material for educational purposes

| Medium | Entire Work | Deemed "reasonable portion" |
|-----------------|--|--|
| Hardcopy | <p>If:</p> <ul style="list-style-type: none"> • unpublished • published, but not separately • not available (in any form) within a reasonable time at an ordinary commercial price • an article in a periodical (such as a journal, newspaper or magazine) – more than one if they are on the same subject • a text work of no more than 15 pages published in an anthology • an image that accompanies (and explains or illustrates) text that can be copied under the Part VB educational statutory licence. <p>Otherwise, a 'reasonable portion'.</p> | <p>If work published as edition of 10 or more pages:</p> <ul style="list-style-type: none"> • 10% of the number of pages, or • a chapter (if more than 10% of the pages) |
| Digital | <p>If one of hardcopy criteria applies</p> <ul style="list-style-type: none"> • work available for purchase, but only in hardcopy • work is an image (even if it is available for purchase in digital form) <p>Otherwise, a 'reasonable portion'. (read the Electronic Use Notice, which must be published with each copy under this scheme)</p> | <p>If work published:</p> <ul style="list-style-type: none"> • 10% of the words • a chapter (if more than 10% of the words) • 10% of a musical work |

7. Non-compliance

CHS's disciplinary procedures may be applied where employees or students fail to comply with this policy or the Copyright Act. Some breaches of the Copyright Act are criminal offences, attracting heavy fines and terms of imprisonment

Students are entirely responsible for any copyright infringement resulting directly or indirectly from their own actions and must be made aware of the CHS's Copyright Policy at the time of orientation. However, it is also the responsibility of all academic staff to re-emphasise the need for full compliance with the CHS Copyright Policy and the respective laws.

8. Roles and Responsibilities

All staff and students must ensure that they understand and comply with the legal restrictions and obligations regarding the use of third party copyright material.

9. Related Documents

- CHS Staff Code of Conduct
- CHS HR Manual (Intellectual Property and Security Section)
- CHS Student Code of Conduct
- CHS Freedom of Intellectual Inquiry Policy
- CHS Academic Management Plan
- CHS Teaching Management Plan

10. Relevant Legislation

- Copyright Act 1968 (Cth).
- Part VB Educational Statutory Licence